

NOV. 29. 2006 1:35PM

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NO. 3586 P. 1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,285	11/19/2003	David M. Stravitz	03568/LH	9501

1933 7590 09/12/2006

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
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NEW YORK, NY 10001-7708

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

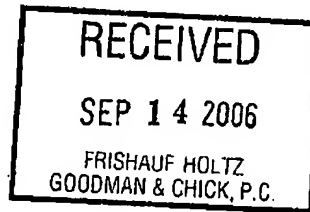
3611

DATE MAILED: 09/12/2006

3. CD

Due: Dec 12, 2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/717,285

Applicant(s)

STRAVITZ, DAVID M.

Examiner

Cassandra Davis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) 17-40 is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1-16 and 42-45 is/are allowed.  
 6) ☒ Claim(s) 41 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Claims 17-40 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 3, 2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reim, U. S. Patent 4,212,122 in view of Vogeles, U. S. Patent 3,918,187. Reim teaches picture frame assembly for a picture 8 to be displayed comprising a retaining panel 11 and a rear panel 10, wherein the retaining panel 11 is spaced from a part of the rear panel 10 to define a space there between for receiving a picture 8, transparent panel 7, and compressible insert 9 to be displayed. The retaining panel has a transparent central portion/opening for viewing the picture 40. In addition,

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the retaining panel 11 has a substantially planar 13 defining a plurality of edges and retaining members 14 arranged on all of the edges, with only one retaining members situated on each edge. The retaining members 14 each extending along the entire edge portion of each edge, wherein each retaining member includes an extension portion 14 extending rearward relative to the substantially planar portion and a projecting ridge 16 formed on the extension portion and extending inwardly. The peripheral edges of the rear panel 10 being arranged to fit between the ridges 16 and a rear surface of the retaining panel.

4. Reim teaches the claim invention except for the transparent area for viewing the picture.

5. Vogeles teaches a picture frame 10 comprising a frame 12 having a central opening with a transparent member 32 welded to the frame and a backing member 14. The frame 12 has retaining members 30a, 30b, and 28 extending from the frame member and adhesive pad 42 for mounting the frame upon a vertical surface. It would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a means to view the picture mounted therein as well as protect the picture for damage.

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***Allowable Subject Matter***

6. Claims 1-16 and 42-45 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 41 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
September 5, 2006